



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. None

James E. Harris  
MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland OR 97205

**COPY MAILED**

**MAR 01 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Steven M. Madey et al. :  
Application No. 10/617,544 : DECISION ON PETITION  
Filed: July 10, 2003 : UNDER 37 C.F.R. §1.53(e)  
Attorney Docket No. 5827-002 :  
Title: LOAD DIVERSION METHOD :  
AND APPARATUS FOR HEAD :  
PROTECTIVE DEVICES :

This is a decision on the "petition for restoration of filing date and request for petition refund", filed November 24, 2003, requesting the application, including ten (10) sheets of drawings be accorded a filing date of July 10, 2003 as part of the original disclosure.

The application was deposited on July 10, 2003. However, on November 5, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (Notice), stating that the application had NOT been accorded a filing date, and advising applicants that the application was deposited without drawings, and a filing date would be accorded when the drawings were received.

In response, on November 24, 2003, applicants filed the present petition. The petition is further accompanied by a copy of ten (10) sheets of drawings containing figures one through fourteen (1-14), along with a copy of applicants' postcard receipt acknowledging receipt of "10 sheets of informal drawings" in the United States Patent and Trademark Office (Office) on July 10, 2003. Applicants request that the application, including ten (10) sheets of drawings, be accorded a filing date of July 10, 2003.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 10, 2003 included ten (10) sheets of drawings, and these ten (10) sheets of drawings were subsequently misplaced in the Office.

Therefore, the application, including ten (10) sheets of drawings, was complete on filing and entitled to a filing date of July 10, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 5, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 10, 2003, using the original application papers filed on that date, as well as the (10) sheets of drawings submitted on November 24, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanowski  
Attorney  
Office of Petitions  
United States Patent and Trademark Office